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APPLICATION NO.	FILI	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/625,149 07/23/2003		H. Downman McCarty II	8274		
25175	7590	10/14/2004		EXAMINER	
BROOKE S				WATTS, DO	OUGLAS D
ONE NORTH SUITE 2450	I CHARLE	ES STREET		ART UNIT	PAPER NUMBER
BALTIMOR	E, MD 21	1014	3724		

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address		Application No.	Applicant(s)						
Examiner Douglas D. Walts 3724 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of FTHIS COMMUNICATION. Electrations of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled after 50 (s) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutor profied will apply and will expire SIX (5) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory profied will apply and will expire SIX (5) MONTHS from the mailing date of this communication. Fallus to reply within the soft or continued period for reply will, by statuto, except the specification become ABANDONEOG 51 SU. 5, 1933. Any yearly received by the Office later than these months after the mailing date of this communication, even if timely filled, may reduce any secure apparent time algorithms. Status 1) ■ Responsive to communication (s) filled on 255/04. 2a) ■ This action is FINAL. 2b) ■ This action is non-final. 3) ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ■ Claim(s)									
Douglas D. Walts	Office Action Summary								
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.138(a). In no event, however, may a reply be timely filed after SV (6) MONITS from the mailing date of this communication. If the period for reply specified above is less than him; (20) days, a reply within the statutory ripinium at 6 (int); (30) days will be considered timely. Failure to reply specified above is less than him; (30) days, a reply within the set or evented of the communication. Failure to reply visible this to set or extended period for reply vell, by statuta, cause the specification to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office lase than three months after the mailing date of this communication, even if timely filed, may reduce any serimed patent term edjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2/5/04. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-122 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * C) None of: 1. Certified copies of the priority docu									
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 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 	12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).						
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 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 	 Certified copies of the priority documents 	s have been received.							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Certified copies of the priority documents	s have been received in Applicati	on No						
* See the attached detailed Office action for a list of the certified copies not received.		•	ed in this National Stage						
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	* See the attached detailed Office action for a list of the certified copies not received.								
Anna Anna at N									
_ ``	Attachment(s)	A) 🗖 1	(DTO 442)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date									
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	'atent Application (PTO-152)								

DETAILED ACTION

Claims 1-122 are rejected under 35 U.S.C. 112, second paragraph for undue multiplicity. Applicant presents 122 claims with 10 independent claims for essentially the same invention. That invention is relatively simple having no moving parts and being comprised of only 3 or 4 separate sections. The claims directed to the method of making the device are virtually the same as the structure claims. That many claims describing the relatively simple invention must necessarily be repetitious which is confirmed by the analysis thereof. The result of such repetition is to confuse rather than to clarify the invention. It is noted that applicant should be allowed some latitude to present claims of varying scope and phraseology in order to describe the invention. Such latitude should not be extended to allow that degree of multiplicity which obscures the definition of the invention however. The rule of reason should be applied to each case individually. In the instant case it is felt that 3 independent claims and 25 total claims would adequately describe the invention. Applicant should thus choose the claims that will be examined. See MPEP 2173.5(n).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas D. Watts whose telephone number is (703) 308-0153. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shoap can be reached on (703) 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DDW 10/13/04

DOUGLAS D. WATTS PRIMARY EXAMINER

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